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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**BRANDON LO, INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED**

PLAINTIFF,

V.

**OXNARD EUROPEAN MOTORS,
LLC D/B/A MERCEDES BENZ OF
OXNARD, AND OXNARD MB, LLC,
D/B/A MERCEDES BENZ OF
OXNARD & SMART CENTER OF
OXNARD,**
DEFENDANT.

Case No: 11CV1009-JLS-MDD

CLASS ACTOIN

**JOINT MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT
AGREEMENT**

**HON. JANIS L. SAMMARTINO
COURTROOM 6**

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1 Plaintiff, Brandon Lo, and defendant, Oxnard European Motors, LLC d/b/a Mercedes
2 Benz of Oxnard (“Oxnard European Motors”) and Oxnard MB, LLC d/b/a Mercedes Benz of
3 Oxnard & Smart Center of Oxnard (“Oxnard MB”), (hereinafter jointly referred to as the
4 “Parties”), file this Joint Motion for Preliminary Approval of Class Action Settlement Agreement.

5 Specifically, through this Motion, the parties move jointly for leave to file a First
6 Amended Complaint, certification of a settlement class, appointment of class counsel and class
7 representatives, preliminary approval of their proposed settlement, and approval of their proposed
8 plan to provide notice to the class. This motion is made on the following grounds:

- 9 (1) the proposed Class satisfies the requirements of Rule 23 for conditional certification for
10 settlement purposes only; and
11 (2) the proposed settlement is the product of non-collusive negotiations and is fundamentally
12 fair, reasonable and adequate, and hence, warrants preliminary approval.

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1 The Parties' motion is based on the accompanying memorandum of points and authorities,
2 the pleadings and papers on file herein, and other such matters as may be presented to the Court at
3 the time of the hearing.

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5 Respectfully Submitted,

6 s/ Joshua B. Swigart, Esq.

7 _____
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